

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PHILIP GODLEWSKI,
Plaintiff**

v.

**EDUARDO NICOLAS ALVEAR
GONZALEZ a/k/a ALVEAR
GONZALEZ EDUARDO NICOLAS
a/k/a NICOLAS ALVEAR, GOOD
LION FILMS, LLC, and GOOD LION
TV, LLC,
Defendants**

**: No. 3:24cv344
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: (Judge Munley)
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ORDER

Before the court is a motion for default judgment filed by Plaintiff Philip Godlewski as to Defendants Eduardo Nicolas Alvear Gonzalez (“Alvear Gonzalez”) and Good Lion TV, LLC (“Good Lion TV”) in this action for defamation, invasion of privacy, intentional infliction of emotional distress, and tortious interference with contracts.¹ (Doc. 9).

A review of the docket reflects that the complaint was served on Defendants Alvear Gonzalez and Good Lion TV on March 4, 2024. (Docs. 2-3, Proofs of Service). Pursuant to the Federal Rules of Civil Procedure, a

¹ Plaintiff filed a “praecipe to remove defendant” regarding Defendant Good Lion Films, LLC on March 26, 2024. (Doc. 8). This filing does not comport with the Federal Rules of Civil Procedure. See FED. R. CIV. P. 21 (Misjoinder and Nonjoinder of Parties), 41 (Dismissal of Actions).

defendant must serve an answer or other responsive pleading within twenty-one (21) days of being served with the summons and complaint. FED. R. CIV. P. 12(a)(1)(A)(i). As to Defendants Alvear Gonzalez and Good Lion TV, the time for filing an answer or responsive pleading has passed.

Federal Rule of Civil Procedure 55 governs default and default judgments. Under subsection (a) of that rule, the Clerk of Court is instructed to enter a default against a defendant who “has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise.” FED. R. CIV. P. 55(a). “Entry of default is a prerequisite to entry of a default judgment under Rule 55(b).” Sys. Indus., Inc. v. Han, 105 F.R.D. 72, 74 (E.D. Pa. 1985) (emphasis removed); see also 10A WRIGHT & MILLER FED. PRAC. & PROC. CIV. § 2682 (4th ed.) (“Prior to obtaining a default judgment under either Rule 55(b)(1) or Rule 55(b)(2), there must be an entry of default as provided by Rule 55(a).”).

A default is not currently entered against Defendants Alvear Gonzalez and Good Lion TV. Accordingly, it is hereby **ORDERED** that plaintiff’s motion for default judgment (Doc. 9) is **DENIED** as premature and improperly filed.

BY THE COURT:

Date: 3/27/24


 JUDGE JULIA K. MUNLEY
 United States District Court